

DATE

John C. Hopewell, III
Hopewell Law Firm, LLC
21122 Old Scenic Highway – Suite B
Zachary, LA 70791

**Re: Louisiana Board of Ethics Docket No. 2021-352
Advisory Opinion**

Dear Mr. Hopewell:

The Louisiana Board of Ethics (“Board”), at its meeting on November 5, 2021, considered your request for reconsideration of the Advisory Opinion (originally adopted on August 6, 2021), which provided that the Louisiana Code of Governmental Ethics (“Code”) would prohibit your law firm from subleasing an office to PEC, which is a third party contractor of the City of Zachary, while you also serve as the Zachary City Attorney.

FACTS PROVIDED

You stated you are the managing member of Hopewell Law Firm, LLC (“Firm”). You were appointed the City Attorney for the City of Zachary in 2011. As the City Attorney, you are the Chief Legal Officer for the City of Zachary.

The Firm leases its office space from Old Scenic Properties, LLC. Professional Engineering Consultants Corporation (“PEC”), a third party contractor of the City of Zachary, approached the Firm about subleasing an available office space. PEC provides technical guidance and construction contract management professional services to the City of Zachary.

In connection with your request for reconsideration, you have provided that you will recuse yourself from any and all interactions with PEC where the contractual relationship between PEC and the City of Zachary is at issue. The City of Zachary employs an Assistant City Attorney who serves in your place when necessary, and is capable of handling legal issues involving PEC.

LAW

La. R.S. 42:1111C(2)(d) provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person during his public service unless such services are neither performed for nor compensated by any person referenced in R.S. 42:1115A(1) or (B).

La. R.S. 42:1115 refers to any person, or any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person (A)(1) has or is seeking

to obtain contractual or other business or financial relationships with the public servant's agency; (B)(1) conducts operations or activities which are regulated by the public employee's agency; or, (B)(2) has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

La. R.S. 42:1102(20.1) defines "service" to mean the performance of work, duties, responsibilities, or the leasing, rental, or sale of movable or immovable property.

ANALYSIS

La. R.S. 42:1111C(2)(d) prohibits a public servant, and legal entities in which the public servant owns more than twenty-five percent or exercises control, from receiving any thing of economic value for services rendered, or to be rendered, for any person from whom the public servant would be prohibited from receiving gifts in accordance with La. R.S. 42:1115(A)(1) or (B).

Based on the additional information provided in your request for reconsideration, specifically, that you will recuse yourself from matters involving PEC's contractual relationship with the City of Zachary, and the assistant city attorney will handle those matters in your stead, PEC does not have an economic interest that you can affect by your duties as the city attorney. Therefore, PEC is not a prohibited source of income as referenced in La. R.S. 42:1115B(2) and the sublease between the Firm and the third party contractor would not violate La. R.S. 42:1111C(2)(d).

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit the Firm from entering into a sublease with the third party contractor.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board